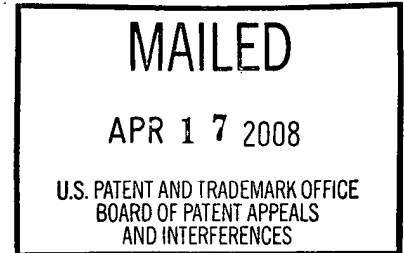


UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte TESSEI SHIMIZU

Application No. 10/698,394



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on October 27, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

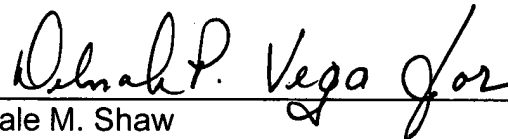
The Information Disclosure Statement dated October 9, 2007, needs to be considered and acknowledged by the Examiner with respect to compliance with the criteria set forth in 37 CFR §§ 1.97 and 1.98. A written communication notifying appellants of the Primary Examiner's consideration is required.

Accordingly, it is

ORDERED that the instant application be electronically returned to the
examiner to:

- (1) consider and acknowledge the Information Disclosure Statement filed
October 9, 2007; and
- (2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

A handwritten signature in black ink, appearing to read "Dale M. Shaw", is written over a horizontal line.

Dale M. Shaw
Chief Appeals Administrator
(571) 272-9797

DMS/ewh

Dickstein Shapiro, LLP
1177 Avenue of the Americas (6th Avenue)
New York, NY 10036-2714